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March Fong Eu
Secretary of State

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March 1, 1993

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Sharon W. Gasaway
City Clerk
P.O. Box 10
Adelanto, CA 92301

Dear Ms. Gasaway:

The Charter of the City of Adelanto, ratified by the voters at the election on November 3, 1992, was filed in this office on December 7, 1992 and assigned Charter Chapter Number 23 for publication in the Statutes of 1992.

Sincerely,

Linda Beauchamp

LINDA BEAUCHAMP, Supervisor
Special Filings Unit

LB:sj

FILED
In this office of the Secretary of State
of the State of California
MARCH FONG EU, Secretary of State
DEC 7 1992
Linda Beauchamp
Deputy

Charter of the City of Adelanto

[Filed with the Secretary of State on December 7, 1992]

PREAMBLE

We, the people of the City of Adelanto, County of San Bernardino, State of California, do ordain and establish this Charter as the organic law of said City under and by virtue of the Constitution of the said State.

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ARTICLE I

STATUS OF CITY

Section 100. NAME OF CITY.

The general law city, in existence prior to the effective date of this Charter, known as the "City of Adelanto", shall be deemed, for all purposes, to continue in existence, as a chartered city, from and after the effective date of this Charter. Said City, as a chartered city, shall continue to be known as the "City of Adelanto" (hereinafter "City").

Section 101. BOUNDARIES.

The boundaries of the City of Adelanto, as a chartered city, shall be identical to the boundaries of said City of Adelanto, a general law city, as were lawfully in existence as of the effective date of this Charter. After the effective date of this Charter, the boundaries may be altered only as provided by applicable or general law.

SECTION 102. EFFECTIVE DATE OF CHARTER.

This Charter shall be effective from and after the date of its approval by the electorate of the City of Adelanto and filed with the Secretary of State.

ARTICLE II

DEFINITIONS AND INTERPRETATION OF CHARTER

SECTION 200. DEFINITIONS.

For the purpose of this Charter, the following words and phrases shall be deemed to have the meanings hereinafter ascribed to them, unless from the context thereof a contrary meaning is clearly intended:

(a) "Adjudicated Newspaper" shall mean a newspaper which is adjudicated as such pursuant to the provisions of Section 6000 et seq of the Government Code of the State of California.

(b) "Applicable Law" shall mean an enactment of the California Legislature which lawfully governs, allows or regulates activities of

CHARTER OF THE CITY OF ADELANTO

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(b) "Applicable Law" shall mean an enactment of the California Legislature which lawfully governs, allows or regulates activities of

cities having a charter adopted pursuant to the provisions of the Constitution of the State of California.

(c) "Appointive Officer" shall mean those officers designated as such by this Charter.

(d) "Brown Act" shall mean that Act of the State Legislature entitled as such, as the same now exists or as the same may hereinafter be lawfully amended, designed as Section 64950 et seq of the Government code.

(e) "Charter" shall mean this Charter as it now exists, or as it may hereinafter be amended.

(f) "City" shall mean the City of Adelanto established as a charter city by this Charter.

(g) "City Attorney" shall mean the duly appointed, qualified and acting City Attorney of City.

(h) "City Clerk" shall mean the duly appointed, qualified and acting City Clerk of City.

(i) "City Council" shall mean the legislative body of City.

(j) "City Manager" shall mean the duly appointed, qualified and acting City Manager of City.

(k) "City Treasurer" shall mean the duly appointed, qualified and acting City Treasurer of City.

(l) "Constitution" shall mean the Constitution of the State of California.

(m) "Councilor" shall mean a member of the City Council of City.

(n) "County" shall mean County of San Bernardino.

(o) "Elections Code" shall mean the Elections Code of the State of California as same exists

as of the effective date of this Charter, and as the same may hereinafter be amended by lawful authority.

(p) "Elective Officers" shall mean those officers designated as such by this Charter.

(q) "Elector" shall mean any person who qualified for the right of suffrage pursuant to Article 11, Section 1 of the Constitution of the State.

(r) "Former City" shall mean the City of Adelanto, a general law city, organized and existing as such, prior to the effective date of this Charter, and, as to which the City is its successor in interest, by reason of the adoption of this Charter.

(s) "General Law" shall mean an enactment of the Legislature of the State which lawfully governs, allows or regulates activities of a general law city, as defined in Section 34100 of the Government Code of the State of California, and which applies to the City of Adelanto, solely by reason of the provision of this Charter, or on ordinance adopted by the City Council of the City.

(t) "Government Code" shall mean the Government Code of the State of California as the same exists as of the effective date of this Charter, and as the same may hereinafter be amended by lawful authority.

(u) "May" is permissive.

(v) "Mayor" shall mean the duly appointed, qualified and acting Mayor of City.

(w) "Mayor Pro Tempore" shall mean the duly appointed, qualified and acting Mayor Pro Tempore of City.

(x) "Municipal Affairs" shall mean those matters which have been, and continue to be, held to be such by courts of record in the State of California.

(y) "Person" shall mean any person, firm, association, organization, partnership, business, trust company or corporation, and any municipal, political or governmental corporation, district, body or agency, other than the City of Adelanto.

(z) "Registered Qualified Voter" shall mean an elector who is lawfully registered, pursuant to applicable provisions of the Elections Code, and is thus entitled to cast a ballot in any national, state or local election held within the City.

(aa) "Shall" is mandatory.

(bb) "State" shall mean the State of California.

SECTION 201. REFERENCE TO LAWS.

Wherever reference is made in this Charter to any law or code provisions enacted by the Legislature of the State, or to any constitutional provision, said reference shall mean and include any amendment thereto, enacted after the effective date of this Charter; provided, however, if any such law is repealed in whole or in part, the City Council, by ordinance, may enact provisions, consistent with this Charter, covering the substance of such repealed legislation.

ARTICLE III

SUCCESSION

SECTION 300. RIGHTS AND LIABILITIES.

The City shall be deemed, for all purposes, to be the successor in interest to the Former City. The said City shall succeed to own, possess, hold and control all rights, including, but not limited to, rights in and to personal and real property owned, possessed, controlled or held by said Former City, as of the effective date of this Charter. Said City shall be deemed, for all purposes, to be subject to all debts, obligations, liabilities and duties of said Former City, as such existed as of the effective date of this Charter.

SECTION 301. VALIDATION OF PRIOR ACTS.

All lawful acts heretofore taken by, or on behalf of, the said Former City, by its City Council, or any officer, employee,

commission, committee, or board thereof, shall be deemed for all purposes, to continue in full force and effect from and after the effective date of this Charter. The validation of such acts as provided for herein shall include, but not be limited to, all lawful ordinances, resolutions, rules, regulations, permits, or any portion thereof, in force as of the effective date of this Charter, except to the extent that any such act is inconsistent, in whole or in part, with any provisions of this Charter; to that extent the same shall be subject to amendment, modification or repeal by lawful authority pursuant to this Charter.

SECTION 302. CONTINUATION OF STATUS OF OFFICERS & EMPLOYEES.

All officers and employees, including, but not limited to, Elective Officers of the said Former City shall, as of the effective date of this Charter, continue to perform the duties of their respective offices and positions. Except as otherwise expressly provided in this Charter, the adoption hereof, as to such officers and employees, shall not affect or impair any right, privilege or retirement benefit of such officers and employees lawfully held by them as of the effective date of this Charter. The tenure of, and the performance of duties by, all such officers and employees shall be subject to the provisions hereof.

SECTION 303. PUBLIC CONTRACTS.

All contracts lawfully entered into by the said Former City, prior to the effective date of this Charter, shall continue in full force and effect, notwithstanding the adoption of this said Charter.

SECTION 304. PENDING PROCEEDINGS.

Any action or proceeding, civil, criminal or administrative, pending as of the effective date of this Charter, as to which the said Former City, or any officer or employee thereof, is a party or participant shall not be affected, altered or abated by reasons of the adoption of this Charter or by any provisions hereof. Any such action or proceeding shall be processed to its conclusion in accordance with all laws applicable thereto, notwithstanding the adoption of this said Charter.

ARTICLE IV

POWERS OF CITY

SECTION 400. POWERS.

The City, from and after the effective date hereof, shall have the power to make and enforce all ordinances and regulations in

respect to Municipal Affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution. In addition, the City shall also have the rights, powers and privileges heretofore or hereafter established, granted or prescribed by any lawful authority, including, but not limited to, those rights, powers and privileges now or hereafter accorded to general law cities, and such other authority as a chartered city may lawfully exercise under and by virtue of the Constitution, state statute or court decision.

SECTION 401. LIMITATION OF POWERS.

The enumeration in this Charter of any specific power shall not be deemed, for any purpose, to be a limitation upon the general grants of powers, as set forth in this Charter.

SECTION 402. EXERCISE OF POWERS.

The City shall exercise its powers in the manner established by applicable laws of the State, unless a different procedure is established by this Charter or by an ordinance lawfully adopted by the City Council of said City. Zoning authority and limitations shall be as may be applicable to chartered cities.

SECTION 403. JOINT POWERS.

The City may exercise all or any of the powers herein set forth singly or jointly with other public agencies in the manner provided by general law.

ARTICLE V

MUNICIPAL ELECTIONS

SECTION 500. CONDUCT OF ELECTIONS.

Except as otherwise provided by ordinance, all municipal elections hereafter conducted by or on behalf of the City shall be held and processed in accordance with the provisions of the Constitution and the Elections and Government Codes.

SECTION 501. ELECTIVE OFFICERS.

The Elective Officers of this City shall be five (5) members of the City Council, each of whom shall hold the office of Councilor.

Elective Officers of the City shall be elected for four (4) year terms by the registered qualified voters of the City, on an at

large basis, at general or special municipal elections, held for that purpose.

SECTION 502. QUALIFICATIONS FOR ELECTIVE OFFICE.

The qualifications for any person to hold an elective office of the City shall be as follows:

(a) Any such person shall be an Elector, with the meaning of the Constitution; and

(b) Any such person shall have been a bona fide resident of the City for at least thirty (30) days next preceding the date of the election at which he/she desires to be a candidate for such elective office.

SECTION 503. INCUMBENT ELECTIVE OFFICERS.

All of the incumbent Elective Officers of the Former City, shall continue in such offices until the expiration of their respective terms for which they were elected and until their successors are appointed or elected, and qualified.

SECTION 504. RIGHTS RESERVED TO THE ELECTORATE.

The electorate of the City, notwithstanding the adoption of this Charter, reserve unto themselves the following processes:

(a) The right of referendum as to any legislative act taken by the City Council; and

(b) The right of initiative, as to any legislative act the City Council could legally effectuate; and

(c) The right of recall as to any Elective Officer of the City.

Such reserved rights shall be exercisable only in accordance with and subject to the limitations of the provisions of the Constitution and laws for general law cities.

SECTION 505. VACANCIES.

Vacancies in elective offices shall be deemed to occur under any of the following circumstances:

(a) If, during the term of his/her office, an Elective Officer dies; or

(b) If, during the term of his/her office, he/she ceases, for any reason, to qualify as a registered voter and resident of the City; or

(c) If, during the term of his/her office, an Elective Officer of the City files a written letter of resignation with the City Clerk, his/her office shall be deemed vacant as of that date stated in such letter, or if no date is so stated in such letter, upon the date of its filing; or

(d) If a City Councilor absents himself/herself, without the consent of the City Council, from all regular City Council meetings for a period of sixty (60) consecutive days from the last regular meeting of the Council he/she attended, his/her office shall be deemed vacant; provided that the consent of the City Council shall be given only for good cause, but shall not be unreasonably withheld; or

(e) If an Elective Officer of the City is convicted of any crime which involves moral turpitude, such office shall be deemed vacant as of the date the judgment of conviction becomes final; and

(f) For any other reason applicable to general law cities.

ARTICLE VI

CITY COUNCIL

SECTION 600. LEGISLATIVE BODY.

The City Council shall be the legislative body of the City.

SECTION 601. MAYOR - MAYOR PRO TEMPORE.

By the affirmative votes of not less than three (3) members, the City Council shall choose one of its members as Mayor, and one of its members as Mayor Pro Tempore, upon the following occasions:

(a) In even numbered years, at the regular Council meetings held for the purpose of canvassing the results of the General Municipal Election; and

(b) In odd numbered years, at the first regular Council meeting held during the month of March; or

(c) At such other times as a majority of the Council shall so order.

The Councilor chosen as Mayor shall, in addition to the performance of his/her duties as a Councilor, preside at all City Council meetings, represent the City as the ceremonial head of City Government, and perform such other acts as may be required of him/her, as directed by the City Council, consistent with this Charter, ordinance of the City, other applicable law, or for general law cities. In the case of the absence or disability of the Mayor, the Mayor Pro Tempore shall act in his/her place and stead.

At the election next following certification that the population of the City is at least 68,000 people, the Mayor shall be elected directly by the electorate and serve a four (4) year term.

SECTION 602. VACANCIES IN ELECTIVE OFFICES.

Any vacancy occurring in any elective office of the City may be filled by the City Council, by resolution, adopted by affirmative votes of a majority of the quorum of the then City Council. If the City Council fails, for any reason, to fill such vacancy within a period of thirty (30) days from and after such office becomes vacant, it shall, as may be required by general law, call and hold an election to fill such vacancy. A person appointed or elected to fill a vacancy in elective office shall hold such office for the unexpired term of the former incumbent.

If at any time three (3) or more vacancies occur in elective offices of the City, the following procedures shall take place:

(a) If such situation qualifies under the provisions of a disaster as provided by applicable law and the City has provided for the preservation of local government as provided thereunder, such preservation shall be observed; or

(b) If such situation does not so qualify, or if such preservation has not been provided, the Governor of the State of California shall temporarily appoint qualified persons to such three (3) or more vacant offices for the limited purpose hereinafter set forth. Upon

such persons being so appointed, the City Council, as thus constituted, shall meet forthwith at a time and place to be selected by the City Clerk for the purpose of calling a special election to elect qualified persons to the office temporarily filled by such appointments. Such temporary appointees shall continue to hold such elective offices until their successors have been duly elected and qualified.

SECTION 603. COUNCIL MEETINGS.

(a) Time and Place. Regular meetings of the City Council shall be conducted at such time and place as are established by ordinance.

(b) Open to Public. Except as otherwise herein provided, each and every meeting of the City Council, be it a regular or special meeting or an adjourned regular or special meeting, shall be open to all members of the general public.

(c) Application of Brown Act. Except as otherwise herein provided, the provisions of the Brown Act shall apply to all meetings and acts of the City Council and its members.

(d) Quorum. Three (3) members of the City Council shall constitute a quorum for the purpose of transacting business of the City Council.

(e) Oaths. The Mayor, each member of the Council and the City Clerk shall have the power to administer oaths or affirmations in proceedings pending before the City Council.

(f) Subpoenas. The City Council shall have the power to compel, by subpoena, the attendance of witnesses and the production of any relevant evidence at any meeting of the City Council, or of any duly appointed Board or Commission, or at any hearing held before any officer or employee of the City. Subpoenas shall be issued by the City Clerk, upon order of the City Council, in the name of the City, and shall be served in the manner prescribed by applicable law for the service

of subpoenas in judicial actions. Disobedience to a subpoena or the refusal to testify to relevant matters before the Council, except upon valid constitutional grounds, shall constitute a misdemeanor and shall be punishable as such.

(g) Rules for Proceedings. The City Council may establish rules for the conduct of its proceedings, including, but not limited to, provision for the punishment of any person who engages in disorderly conduct at a City Council meeting.

SECTION 604. REIMBURSEMENT FOR EXPENSES.

Councilors of the City shall be reimbursed for necessary expenses actually incurred in the performance of official duties. Such reimbursement shall not be made unless approved by the affirmative vote of not less than three (3) members of the City Council. The City Council shall establish a procedure for the reimbursement of other officers and employees of the City for expenditures incurred by them in the performance of official duties.

SECTION 605. COMPENSATION OF COUNCILORS.

Compensation of Councilors, other than reimbursement for expenses, may be established in the manner and amount as provided by general law, relating to counciloric salaries in general law cities in this State.

SECTION 606. ORDINANCES.

Except as otherwise provided in this Charter or by applicable law, the enactment of ordinances by the City Council shall be accomplished in accordance with the provisions of this Section.

(a) Meetings. Ordinances may be adopted at either regular, special or adjourned regular or special meetings of the City Council.

(b) Adoption of Ordinances. Ordinances shall be adopted in the manner and according to the procedure provided by general law, except as modified herein.

(c) Effective Date of Ordinances. Ordinances shall be effective in the time and manner provided by general law.

(d) Vote Required. No ordinance of this City shall become effective unless the same is adopted by the affirmative votes of at least three (3) members of the Council, except for ordinance for the adoption of which this Charter or applicable or general law requires a greater number of affirmative vote.

(e) Form. Each ordinance shall bear a title which shall briefly describe the subject matter of the ordinance and shall contain the following enacting clause: "The City Council of the City of Adelanto does ordain...." Each ordinance adopted by the City Council shall be signed by the Mayor, whose signature thereon shall be attested to by the City Clerk.

(f) Violation. Penalty. A violation of any duly enacted ordinance of the City shall constitute a misdemeanor which shall be prosecuted in the manner prescribed by applicable law. The City Council, by ordinance, shall provide for the place imprisonment for such violation and may provide that persons convicted of a violation of any such ordinance may be compelled to perform labor on public works of the City. Certain violations may, by ordinance, be classified as infractions.

(g) Codification. Any and all ordinances of the City may be compiled, consolidated, or recompiled and/or reconsolidated, and indexed and arranged in a comprehensive municipal ordinance code. Such code may be adopted by ordinance by reference. Such code, if adopted by reference, need not be published in the manner required for other ordinances provided that:

1) Not less than three (3) copies thereof shall be on file in the office of the City Clerk, available for examination by members of the public prior to the adoption thereof; and

2) The final adoption of such code shall not take place until a public hearing is held before the City Council to allow

interested persons to express their views on such proposed Code; and

3) Notice of such public hearings is given as required by general law, and

4) Detailed regulations pertaining to any subject, such as building regulations, when arranged in a comprehensive code including maps, charts or diagrams, may also be adopted by reference in the manner provided in this Section, and

5) Amendments to such code shall be enacted only by ordinance and, if no adoption by reference is involved, the procedure set forth in this subparagraph shall not apply to such adoption.

(h) Publication. Publication of ordinances shall be as provided for general law cities.

SECTION 607. CONTRACTS.

(a) Council Action. No contract, for any purpose, shall obligate the City, in any manner, unless and until such contract has been approved or ratified, in written form, by the affirmative votes of not less than three (3) members of the City Council, except:

1) Where a contractual expenditure by the City has been included in a City budget adopted by ordinance, City Council approval thereof shall be conclusively presumed; and

2) Where the City Manager reasonably determines that an emergency immediately required the obtaining of goods or services, he/she shall be empowered to contract for the same without prior City Council approval, and such contract shall be a binding obligation of the City. The authority of the City Manager hereunder as to a particular emergency shall terminate at the next meeting of the City Council unless specifically extended.

(b) Leases. No agreement for the lease of City-owned real property to any person, for a non-municipal purpose, shall be valid unless

the City Council finds that the property proposed for such lease is not required, and will not be so required during the term of the agreement, for municipal purposes.

(c) Supplies and Equipment. Notwithstanding the provisions of this Section relating to contracts, the City Council shall, by ordinance, provide for the acquisition of equipment, materials or supplies, other than for public works contracts, if same are included within a budget approved by the City Council.

(j) Public Works Contracts. Except as otherwise provided by ordinance, the City shall contract for the construction or reconstruction of any public building, works, streets, drain, sewer, utility, park or playground (hereinafter "Public Project") in the time and manner and in accordance with general law.

(i) In determining the lowest responsible bidder, the City Council may give reasonable preferences to local contractors.

(ii) The Council may, by ordinance, determine which contracts will require competitive bids, bonds, insurance and other such requirements, and which will not.

SECTION 608. FRANCHISES.

Franchises shall be granted by the City Council in the time and manner, and for such purposes, as may be prescribed or authorized by the Constitution or by applicable laws of this State, except as may be provided by ordinance.

SECTION 609. INTERFERENCE WITH ADMINISTRATIVE SERVICE.

No member of the City Council shall interfere with the execution by the City Manager of his/her powers and duties; nor shall any Councilor direct the City Manager to appoint or remove an officer or employee of the City, or to change, alter, delete or

merge any department of the City. Except for the purpose of inquiry, no Councilor shall deal with the administrative services of the City except by and through the City Manager; nor shall any Councilor give any order or direction on behalf of the City to any subordinate officer or employee of the City. This Section shall not apply during periods of disaster proclaimed by the Governor or City Council; nor during such times as there shall be no Council-designated City Manager acting in that capacity.

SECTION 610. CONFLICT OF INTEREST.

The lawful provisions of applicable and/or general law with regard to conflict of interests prohibited interests and disclosure of assets shall apply to and govern the activities of each Elective Officer of the City.

SECTION 611. INDEMNIFICATION.

The members of the City Council shall be provided with a defense and indemnified against loss for good faith actions taken in the scope of their employment as Councilors or members of the Community Redevelopment Agency.

SECTION 612. CONTINUITY.

The City Council may, by ordinance, set the number of successive terms or years that a Councilor may serve.

ARTICLE VII

APPOINTIVE OFFICERS

SECTION 700. FORM OF GOVERNMENT.

The system of government established by this Charter shall be known as the "Council-Manager" form of government.

SECTION 701. APPOINTIVE OFFICES.

The municipal offices, established by this Article, shall be known as appointive offices of the City. Persons shall be appointed to and removed from such offices by the City Council, in accordance with the provisions hereof.

SECTION 702. CITY MANAGER, APPOINTMENT, QUALIFICATION, COMPENSATION.

The appointive office of City Manager for the City is hereby created. The qualifications, appointment, salary, duties, tenure and discharge of the City Manager shall be prescribed by ordinance

of the City Council, or as may be fixed by contract authorized by at least three (3) votes of the City Council.

SECTION 703. CITY MANAGER DUTIES.

The City Manager, or person acting in that capacity, shall perform the duties provided by ordinance. The City Council shall provide a defense for and indemnify him/her for any action brought against him/her in the scope of his/her employment as Manager of the City or Community Redevelopment Agency.

SECTION 704. CITY ATTORNEY, APPOINTMENT, QUALIFICATION, COMPENSATION.

The appointive office of City Attorney of City is hereby created. The City Attorney shall be directly responsible to the City Council for the performance of his/her duties, except as may be authorized by contract or ordinance adopted by not less than three (3) votes of the City Council.

(a) Appointment. A qualified person shall be appointed to the office of City Attorney by resolution of the City Council, adopted by the affirmative votes of not less than three (3) members thereof.

(b) Compensation. The City Council shall, from time to time, by resolution, or contract, set the compensation for the office of City Attorney.

(c) Qualifications. The qualifications, tenure, contractual relation and discharge or suspension of the City Attorney shall be provided by not less than three-fifths (3/5) vote of the City Council.

SECTION 705. CITY ATTORNEY DUTIES.

The duties of the office of City Attorney shall be as follows:

(a) To act as the legal advisor for the City and to its officers and employees in all matters relating to City affairs, and

(b) To appear and defend the City in all matters in civil litigation involving the City and its officers and employees, except those involving insurance coverage or Workers' Compensation. He/she shall prosecute all

violations of City ordinances, but may, with the approval of the City Council, delegate such authority to the District Attorney, and

(c) To prepare, or cause to be prepared, all ordinances, resolutions, contracts, opinions and other legal documents as required by the City Council relating to the affairs of the City, and

(d) To perform such other duties as may be required by the City Council. The City Council shall provide a defense for, and indemnify, the City Attorney for action brought against him/her in the scope of his/her employment as Attorney for the City and for the Community Redevelopment Agency.

SECTION 706. CITY ATTORNEY, DEPUTIES, SPECIAL COUNSEL.

The City Attorney shall have the authority to appoint deputy city attorneys to act as such, under the control and direction of the City Attorney. Compensation for such deputies, if any, shall be set by the City Council. The City Attorney may, with the approval of the City Council, engage the services of special counsel to assist him/her in the performance of said duties.

SECTION 707. CITY CLERK, APPOINTMENT, QUALIFICATIONS, COMPENSATION.

The appointive office of City Clerk of the City is hereby created. Such office may be combined with that of any other appointive office. The City Clerk shall be appointed, serve at the pleasure of and be removed by, and be responsible to the City Council or the City Manager as may be, from time to time, provided by ordinance.

SECTION 708. CITY TREASURER, APPOINTMENT, QUALIFICATIONS, COMPENSATION.

The appointive office of City Treasurer is hereby created. The duties of the City Treasurer shall be those imposed by applicable and/or general law, except as those duties may be modified by ordinance of the City. The salary, tenure, appointment and removal of the City Treasurer shall be as prescribed by the City Council.

SECTION 709. BONDS.

The appointive officers shall post such fidelity bonds as may be required by the City Council. Such bonds shall be a proper charge upon the City.

SECTION 710. CONTINUITY.

No appointive officer shall be removed from office, suspended or reduced in authority or compensation for ninety (90) days following a municipal election or change in membership on the City Council.

ARTICLE VIII

OFFICERS AND EMPLOYEES

SECTION 800. MISCELLANEOUS AND SAFETY EMPLOYEES.

The City Council may designate such other positions for miscellaneous and safety employees as the Council may, from time to time, determine. Appointment to, authority over and removal from such positions shall be by the City Manager.

SECTION 801. MERIT SYSTEM, ESTABLISHMENT.

The City Council, by ordinance, may establish a Merit System for City employees. Such system may include provisions for the method of the selection of employees, the classification, advancement, suspension, discharge, termination of such employees, and the consolidation and elimination of positions. The Merit System shall apply to each office or position of employment, except:

(a) Elective and appointive officers; and

(b) Part-time or temporary officers and employees; and

(c) Members of boards and commissions.

SECTION 802. RETIREMENT.

Plenary authority and power is hereby vested in the City and its City Council to do and perform any act, or exercise any option or authority granted, permitted or required under the provisions of its present retirement program, or to switch to any other retirement system with similar authority.

SECTION 803. COMPENSATION.

The City Council, by resolution, shall, from time to time, establish the salaries and/or other forms of compensation for each officer or employee of the City.

ARTICLE IX

FISCAL ADMINISTRATION

SECTION 900. FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July of each calendar year and shall end on the thirtieth day of June of the following year.

SECTION 901. BUDGET. SUBMISSION TO CITY COUNCIL.

Unless otherwise directed by the City Council, at least thirty-five (35) days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the City Council, a proposed annual budget, covering the expected income and all proposed expenditures of City for the forthcoming fiscal year. In preparing the budget, the City Manager shall utilize the most accurate available income estimates and the most feasible combination of expenditure classification by funds, organization unit, program, purpose of activity, and object.

Not less than ten (10) copies of the proposed budget, and the City Manager's budget message, shall be on file in the office of the City Clerk, available for examination by members of the general public. Upon submission of the budget, the City Council shall select a convenient date for the conduct of a public hearing upon the adoption of such budget. Notice shall be given of such public hearing in such manner as the City Council deems appropriate to give complete and adequate notice thereof to residents of the City. At the time of such public hearing, the City Council shall consider evidence presented by any interested person concerning any or all of the items as contained in the proposed budget. Upon conclusion of the said public hearing, the City Council shall make such alterations, deletions or additions to the budget, as proposed, as is in the public interest and, thereafter, it shall approve the budget as revised. Such approval shall take place prior to the last day of July of the fiscal year to which such budget relates. Upon its adoption, by the affirmative votes of at least three (3) members of the City Council, the budget shall be in effect for the ensuing fiscal year. The budget, as approved, shall be filed with the City Clerk and shall be reproduced and copies made available for the use of the public and of departments, officers and agencies of the City.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget, by motion, adopted by the affirmative votes of at least three (3) members of the City Council.

SECTION 902. BUDGET. APPROPRIATIONS.

From and after the effective date of the budget, if adopted by ordinance, the several amounts stated therein as proposed expenditures shall be deemed appropriated to the several departments, offices and agencies for the respective objects and purposes therein stated. All appropriations shall lapse at the end of the fiscal year to the extent that they shall have been expended or lawfully encumbered.

SECTION 903. TAX LEVIES.

The City Council shall have the authority to levy property taxes in the same time, manner and amount as is now, or hereinafter, authorized by general law. In addition, the City Council shall have the authority to levy taxes as permitted for chartered cities in the conduct of Municipal Affairs.

SECTION 904. IMPOSITION OF OTHER TAXES.

The City Council may, by ordinance, impose any other tax, in addition to those specifically referred to in this Charter, if such tax can lawfully be imposed by a chartered or general law city by virtue of the Constitution, or by virtue of any general law.

SECTION 905. TAX PROCEDURE.

The procedure for the assessment, levy and collection of all municipal taxes and special assessments shall be prescribed by ordinance of the City Council. In addition, the City Council may create assessment districts and impose fees as is permitted to a chartered city in the exercise of Municipal Affairs.

SECTION 906. DEBT.

The City may incur debts, issue bonds, enter into long term leases or contracts, or otherwise financially obligate itself over one or more years, in the manner as is authorized by general law. In addition, the City Council may, by ordinance, exercise such functions as permitted by chartered cities in the conduct of "Municipal Affairs.", including the building, construction, reconstruction, operation, maintenance and other expenses for buildings, projects, programs and services, governmental and proprietary. The City may finance or re-finance the acquisition, construction, improvement, furnishing, equipping, maintenance,

repair, reconstruction or rehabilitation of public facilities, hospitals, health care facilities, airfields, airports, water facilities, sewer facilities, trash disposal facilities, prison facilities and such other public, residential, industrial, and commercial facilities as the City Council may determine to be proper, in whole or in part, through the issuance of bonds or other obligations secured by the revenue of such facilities, or otherwise, or by means of such other methods of financing that the City council determines to be proper.

SECTION 907. CLAIMS AGAINST THE CITY.

Claims for money or damages against the City or any officer or employee thereof, and civil actions to enforce the same, shall be presented, filed and acted upon in the time and manner as is prescribed by the Government Code, as the same now exists or may hereafter be amended.

SECTION 908. PAYMENT OF CLAIMS AND DEMANDS.

The City Council, by ordinance, shall provide for the method and manner for the approval and payment of claims and demands against the City.

ARTICLE X

BOARD OF EDUCATION

SECTION 1000. EFFECT OF CHARTER ON SCHOOL DISTRICTS.

The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence, the boundaries or manner of operation of any school district located within the boundaries of the City, wholly or partially, as of the effective date of this Charter. Each such present school district shall continue in existence subject, in all respects, to the provisions of the Constitution and the laws of the State, as the same now exist or hereinafter may be amended.

SECTION 1001. APPLICATION OF STATE LAW.

The manner, time, tenure and terms of office, with reference to the members of Boards of Education of such school districts, their qualifications, compensation, removal and the number which shall constitute any one of such boards shall continue to be as prescribed by the Constitution and laws of the State, as the same now exists or may hereinafter be amended.

ARTICLE XI

CITY BOARD AND COMMISSIONS

SECTION 1100. CREATION OF COMMISSIONS.

The City Council, by ordinance, may create such permanent or temporary boards or commissions as it finds, in its judgement, are required to assist in the performance of any municipal function.

SECTION 1101. ENABLING ORDINANCES.

An ordinance establishing a board or commission shall specify the following:

(a) The number of members comprising such commission of board; and

(b) Their term of office; and

(c) The powers and duties assigned to the board or commission; and

(d) The conditions under which vacancies in membership shall occur automatically; and

(e) The qualifications for appointment to such board or commission; and

(f) Such other matters as may be necessary, in the judgement of the Council, to enable the commission to perform its assigned functions.

SECTION 1102. APPROPRIATION OF FUNDS.

The City Council, in its annual budget, shall include an appropriation of funds for each board or commission, in such amounts as it deems adequate for the performance of the functions assigned to such bodies.

SECTION 1103. APPOINTMENT AND REMOVAL OF MEMBERS.

Members of all commissions and boards of the City shall be appointed by the City Council and shall serve at the pleasure of said City Council. Such appointments shall be made by resolution, adopted by the affirmative votes of not less than three (3) members of the City Council. Any member of a board or commission may be removed, with or without cause, at any time, by the affirmative votes of three (3) members of the City Council.

Any vacancy on any board or commission, from whatsoever cause arising, shall be filled by resolution, carried by not less than three (3) affirmative votes of the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such terms.

SECTION 1104. MEETINGS. CONDUCT OF.

The meetings and acts of all commissions and boards and members thereof of the City shall be conducted and taken in accordance with the provisions of the Brown Act. Each board or commission may adopt, by resolution, rules for the conduct of its meetings, a copy of which shall be filed with the City Clerk.

SECTION 1105. COMPENSATION. EXPENSES.

The City Council, by resolution, may provide for reimbursement for expenses and insurance coverage of board or commission members.

SECTION 1106. SECRETARY. RECORDS.

The City Manager shall provide the secretarial services for each board or commission. The City Manager shall ensure the adequate preparation of the minutes of board or commission meetings and shall maintain permanent files containing copies of the minutes, as provided by each such board or commission, and other records relating thereto.

SECTION 1107. EXISTING COMMISSIONS.

Members of existing boards and commissions holding office as such, as of the effective date of this Charter, shall continue to hold such office thereafter until their respective terms shall expire and their successors shall be appointed and qualified until they have been removed as set forth herein.

ARTICLE XII

VIOLATION - VALIDITY

SECTION 1200. VIOLATIONS.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred and no/100 Dollars ($500.00), or by imprisonment for a term of not exceeding six (6) months, or by such fine and imprisonment.

SECTION 1201. VALIDITY.

If any provision of this Charter, or the application thereof any person or circumstance, is held judicially invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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IMPARTIAL ANALYSIS
BY CITY ATTORNEY

A Charter is an optional form of government authorized by the State of California, and is open to those Cities whose electorate believe that their City is unique and is qualified for more flexibility than most cities. Adelanto is at present a "general law" city which means that it is governed by the same general laws as approximately 75% of the cities in California. The other 25% have voters who believe that more local control is essential to the goals they have set for themselves. This Charter proposed by the City Council is fairly typical of other charters and tends to authorize more local control than in general law cities, but only to the extent that voters agree with and do not challenge by referendum the implementing ordinances adopted by the City Council after voter approval of the Charter. If you are in favor of the Charter, vote "Yes"; if you are opposed, vote "No".

"The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office at 619-246-2300 and a copy will be mailed at no cost to you."

DATE 8-4-92
TIME 4:58 PM
Sharon Tasaway
CITY CLERK

U.C. BERKELEY LIBRARIES
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